

## **Notes on Rattlesnake Creek Four Year Review Stafford, August 18, 2004**

### **Partnership Updates**

The US Fish and Wildlife Representative from Quivira Wetlands, Dave Hilley, announced that the Quivira Wetlands has been designated by the Ramsar Foundation as a “wetland of international significance” (about two years ago). Kansas is unique in that it has two wetlands with this designation, the other one being Cheyenne Bottoms. There are fewer than 20 wetlands with this designation in the entire US and this designation affords additional protections to the area. They have also been declared to be a globally important birding area by the America Bird Conservancy. They were among the first 100 to be designated. This year the wetland has received 16.5 inches of rain since the first of June in comparison to 13 inches from June 1 to December 1, 2003.

Water PACK, Dennis Dutton, informed the group that they recently gave Senator Brownback a tour of the subbasin in an effort to seek funds to purchase water rights. They also recently traveled to Topeka to meet with the David Pope, Adrian Polansky and Tracy Streeter.

Big Bend Groundwater Management District, Vernon Hirt, stated the District has installed transect wells to study the stream-aquifer interaction, determined augmentation to be too costly of a program to implement, no money to make the water rights purchase program successful and a water banking committee has been established. The District has hired on additional staff for meter reading under the water banking program.

Division of Water Resources, Tina Alder, presented that the agency has conducted enforcement activities for the last three years, continue to monitor groundwater levels, been working to develop the new pilot project ITAP and completed Water Banking Rules and Regulations, effective August 13, 2004.

Dave Zook presented an update on “Authorized Quantities of Appropriated Water and Water Use by Year for Priority Areas”. See summaries in handout. A comment was made that these numbers do not reflect true effects due to lack of rainfall in the past several years, and they only account for the years through 2002; 2003 is not yet verified and 2004 is not reported until 2005.. Back in the early nineties they area received significant recharge. Today we are currently to “ground zero” as all the recharge has now been consumed. We will need a significant recharge event to bring water levels back.

1. Water Rights Purchase Program. Tina reviewed the Irrigation Transition Assistance Program and its relationship to the Water Rights Purchase Program. Partnership members indicate that purchase price will be

around \$400 -\$800 ac/ft. The goal is to retire 7500 acre feet from using this program.

Partnership representatives said many times that if we want to purchase a water right, we are going to have to pay fair market value for it. It has to be based on the authorized amount, not on the amount used during an “arbitrary” period. The market should determine the value of a water right. Once an irrigator sells the right and it is retired, it is gone forever so they have to get the maximum amount from it when it is sold. If fair market value is not offered, the program will not be successful. It was suggested that it might be more effective to just use the money from other programs (i.e. enhanced efficiency) and apply it to buying water rights. Currently, there is not enough money in the program to make an impact.

2. Water Banking has not been implemented to date. The goal is to reduce use by 2000 ac ft with this program. Part of the lack of success is due to the delay in getting the statutes and regulations developed and approved. This has now been accomplished and the Central Water Bank Charter is ready to implement them into the proposed Charter. A comment was made that the program, as it has developed, is too cumbersome and bureaucratic.
3. Improve Water Conservation and Irrigation Management. Initial evaluation of this program indicates that it has not been effective in reducing water use and that water use from systems that have received cost share to install more efficient systems has actually increased. There was discussion that the program has the potential to reduce water use but the results aren't showing up yet. A suggestion was made that the analysis needs to be done on an individual system basis. Scheduling is an important element of the program and there needs to be more emphasis to ensure that water is saved. The effects of the recent drought also need to be factored in. There should be some verification that additional acres are not being watered when the systems are upgraded. See summary in handout.
4. Compliance and Enforcement. Tina Alder reported on the enhanced enforcement efforts of DWR for the Blatant and Recurring Over-pumping Program (BRO). See summary in handout. About 2000 ac ft have been saved as a result this program.
5. Five Year Water Right Program (Flex Accounts). No participation; 1100 ac ft are supposed to be saved from this program. A comment was made that the base period used was a wet period for this subbasin.. Partnership members do feel that the program had promise but not as currently written. .

6. Voluntary Removal of End Guns. The compensation program offered by the GMD has expired and there was no participation. The reason given for lack of participation was that there was requirement to reduce water right even though they would be exempt from future regulation if the end gun was removed. It was discussed that about 12% of the area is still flood irrigated (much of it is Richard Wenstrom's) and that although perhaps targeting these areas for more efficient methods might seem an effective measure, in reality they are probably still flood irrigated because that is the only way to do it.
7. Water Appropriation Transfers. No participation, but some of the partnership feels that it does have promise if implemented.
8. Augmentation. Too expensive to lease water for the program. The cost was estimated to be \$2.5 million /10 yrs.
9. Low Head Dams. Need to have grant writing capabilities to secure funding.

The monitoring programs are ongoing and are being used to establish trends. There is a total of 16,900 ac ft of water that was supposed to be saved from practices that have not been implemented or participated in. This represents a significant deficit that will have to be made up from redistributing the ac ft to other more successful practices or new water saving activities will have to be identified for the next four years.

#### Announcement

There will be a Water Pack meeting on January 13 and 14 2005 that will focus on new water savings techniques. According to Richard Wenstrom, these are good ideas and perhaps some additional cost share funds should be used to implement them. Or existing funds could be shifted to include some additional techniques. The goal is to make more money while using less water. Both are important elements that have to be included to make the program successful.

#### Discussion:

Most irrigation systems in the area have been upgraded to be more efficient already. Hardware is not the problem. Management is now what needs attention. Irrigators have to establish the right combination of systems (hardware, software, cropping, scheduling, etc.) that will result in making money and using less water.

There was a lot of discussion about that we don't really know who is doing what and that surely if everyone is doing something, we should be seeing reduced consumption and progress towards achieving the goals of the program. (It resembles the discussion about measurement of improvement in instream water

quality. The argument is made that surely the cumulative effects of installation of Best Management Practices is having an effect in reducing inputs of contaminants into receiving waters, but we just can't measure it yet because of the amount already in the system.) A suggestion was made that if we could do an inventory to document efforts by individuals throughout the basin, this should count for something, even if it is not yet reflected in groundwater and stream measurements. This would at least provide a benchmark for practices in addition to hardware (drop nozzles, meters, etc). They are looking to conduct a survey of management practices and not hardware.

A comment was made that the WISP concept is a good one and will hopefully lead to more action than has been seen in the past, but "ground zero" people need to be included on them in addition to government agency people so that what is developed is realistic and can be implemented.

On the Irrigation Transition Assistance Program Fact Sheet, a comment was made the "unintended consequences" needs to be clarified. "Don't even think about holding adjacent landowners responsible for consequences on someone else's property." (Janssen)

When the group was asked how to best enhance effectiveness and increase participation, a comment was made that we either need a big club or a big chunk of money, preferably both.

A comment was made that we need to account for the lack of rainfall. How do we know that water was actually being saved but the effect is swamped out by lack of rainfall and recharge? It was noted that the declining economy also had an effect on reducing the use of water.

The effect of CRP land coming back into production also needs to be included in water use evaluations. Contracts expired in 1996. Base period for the subbasin is 1987 to 1996. Increase in water use may be attributed to the breaking out of CRP land.

There needs to be a cost share element for Kan-Sched.

There was discussion that too many people in the RSC basin think they are not at a critical level of water over usage. The responsibility for reduction needs to be shared. The message of how urgent the need to conserve water needs to be distributed more widely and with a bigger threat associated with it and it needs to go out now. The prospect that the area could be designated as an IGUCA is not taken seriously. This is largely responsible for the lack of program participation.

A suggestion was made that people should be notified of how much their individual water right would be reduced if an IGUCA were designated. That would get their attention. No one wants an IGUCA but no one wants to

voluntarily cut water usage unless everyone has to. If the consequences of continuing with the status quo, thinking we have 8 more years were known up front, it would help greatly in getting people's attention. It was suggested DWR bring an example similar to Wet Walnut Creek to see where individuals would fall out in the process. No commitment was made by DWR staff.

It was discussed that a joint effort between all of the partners could be made in publishing and distributing a newsletter to everyone in the RSC basin. This information could be published in the newsletter, by permit number. Bruce Falk noted that these numbers would be fairly straight forward to establish.

It was noted that none of the people around the table had participated in any of the programs either (other than increased efficiency). How can they expect others to participate when the leaders don't?

Meg from the USFWS, Denver, noted that most people in the FWS who are familiar with the partnership efforts for the past 10 years will retire within the next 4 years. Those who take their places in monitoring RSC activities and progress will not be familiar with previous discussions. USFWS will be monitoring progress closely during the next 4 years and they are serious about wanting to see hard facts demonstrating reduction in water use and achieving the goals.

All partners are to summarize their ideas on each program objective as to how to make the overall program more effective. These summaries are due to Tina by October 29. Tina will assemble them and the next meeting will be November 9, in Stafford, 1:30 pm, at which time the partnership will discuss and recommend changes to the management plan.

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#### Deb's recommendations:

- Use a newsletter to notify people in the basin of how much their individual water rights will be reduced by an IGUCA. Have an article written (or at least signed) by David Pope that communicates that the results of the first 4 year review were unsatisfactory and that puts the landowners in a situation of having to play catch up during the next 4 years.
- Include a letter or statement by the USFWS that they are concerned about lack of progress. The Feds have a lot of ability to influence consequences. Let people know that this is not going away.
- Set measurable goals to be reached by the next 4 year review. Suggest that by 2008, reduction of 66% needs to be demonstrated. These needs to be stated and the consequences of not achieving it need to be spelled out.
- Conduct a survey in the area to inventory the types and amounts of management activities that are occurring. Try to get an idea of what prevents people from doing more of this. Is it lack of information, lack of motivation, or what?